

REMARKS

The Examiner rejected Claim 52 under 35 U.S.C. 103(a) as being obvious in view of the combined teachings of the Liebherr-Werk and Weizenburger et al. references. This rejection is respectfully traversed.

In Claim 52 as now written, the chamber is defined by:

- the lower generally horizontal portion (1a) of the support (1);
- the first radiator (2);
- the second radiator (3);
- the third radiator (5)
- the fourth radiator (4); and
- the condenser (6).

Additionally, a fan deflector guide (1c) is supported on the vertical portion (1b) of the support (1) externally of the chamber. The fan deflector guide (1c) is adapted to support a fan thereon for drawing air into the chamber through the second (3), third (5), and fourth (4) radiators and the condenser (6) and for drawing air out of the chamber through the first radiator (2).

In the Liebherr-Werk reference, the chamber is defined by:

- a solid lower bottom plate (3);
- a solid back plate (2);
- a first radiator (12);
- a second radiator (13);
- a third radiator or condenser (11); and
- a fan (6).

The Examiner stated that fan deflector guide (4, 18) of the Liebherr-Werk reference is positioned outside of the chamber. This is not correct. As clearly shown in Figs. 4 and 5 of the Liebherr-Werk reference, the plate 4 and the fan cage 18 define the side of the chamber. Also, in the translation of the Liebherr-Werk reference, it is stated that “[t]he face of [the] housing 1 is closed by a plate 4 that is fitted with a circular cutout whose edge bears a cylindrical ring 5 that borders the fan impeller 6”

(emphasis added). Thus, the plate 4 and the fan cage 18 clearly form a portion of the chamber, contrary to the Examiner's assertion and the language of Claim 52.

Furthermore, because the Liebherr-Werk fan (6) is not supported externally of the chamber, the fan (6) functions to draw air into the chamber through the first radiator (12), the second radiator (13), and the third radiator or condenser (11), as with the claimed invention. However, unlike the claimed invention, air is drawn out of the chamber through the Liebherr-Werk fan (6) itself because the fan (6) is itself a portion of the chamber.

Claim 52 specifically recites that the fan deflector guide (1c) is adapted to support a fan thereon for drawing air into the chamber through the second (3), third (5), and fourth (4) radiators and the condenser (6) and for drawing air out of the chamber through the first radiator (2). This structure is neither shown nor suggested by the Liebherr-Werk reference. In order to modify the Liebherr-Werk structure to achieve the claimed invention, the following changes would be required:

- the fan (6) would have to be removed from the remaining portions of the chamber;
- an additional radiator would have to be installed to replace the fan that was removed and re-create the chamber; and
- the fan that was removed would have to be re-installed somehow externally of the re-created chamber such that when the fan is operated, air would be drawn into the re-created chamber through the existing radiators and condenser and would be drawn out of the chamber through the newly installed radiator.

Perhaps it might have been obvious to a person of ordinary skill to replace the solid back plate (2) of the Liebherr-Werk reference with an additional radiator. Such a modification would have increased the capacity of the Liebherr-Werk assembly without significantly altering its manner of operation because air would continue to be drawn out of the chamber by the fan (6). However, it would not have been obvious to replace the fan (6) of the Liebherr-Werk reference with an additional radiator because there would be no device for causing air to move through the various radiators. The

Liebherr-Werk reference provides no teaching whatsoever of supporting the fan (6) externally of the chamber to draw air out of the chamber through the newly installed radiator, as specifically claimed. Thus, the claimed invention is patentable over the Liebherr-Werk reference and the other art of record.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard S. MacMillan", written over a horizontal line.

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